

EXHIBIT “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

STEPHEN MIDDLEBROOKS,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	NO. 17-0412
	:	
	:	
TEVA PHARMACEUTICALS USA, INC.,	:	
TEVA PHARMACEUTICALS INDUSTRIES,	:	
LIMITED,	:	
	:	
Defendants.	:	
_____	/	

- - -

Monday, March 12, 2018

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ORAL DEPOSITION of STEPHEN
MIDDLEBROOKS, taken pursuant to notice,
held at the Law Offices of Stevens & Lee,
1818 Market Street, 29th Floor,
Philadelphia, Pennsylvania, commencing at
10:03 a.m., on the above date, before
Robert Stec, Court Reporter - Notary

Public, there being present.

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1 Q. Okay. And did you know even before the
2 trip began that you were a candidate for a position?
3 A. I hoped that I was.
4 Q. Okay. You wanted the position?
5 A. I wanted to continue to work at TEVA, yes.
6 Q. And was there anything about the time that
7 you spent with Nir visiting the sites that changed
8 your mind as to whether this was a position that you
9 really wanted?
10 A. No.
11 Q. Do you know whether there were other
12 candidates?
13 A. I do not know.
14 Q. Do you know whether Mr. Urban was a
15 candidate?
16 A. I do not know.
17 Q. Okay. During the course of the 17 days,
18 did Nir ever suggest to you that he made up his mind
19 as it relates to your being a candidate for the
20 position?
21 A. No, he did not.
22 Q. Did Nir ever provide you with any opinions
23 that he had about the globalizing of the
24 organization?

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1 A. Well, he spoke about the globalizing often
2 so there were many, you know, many, many, many
3 opinions.
4 Q. Was he looking forward to running the
5 global organization?
6 A. Oh, absolutely.
7 Q. Was he forward to working with you and
8 other Americans in the U.S.
9 A. I can't answer that question.
10 Q. He didn't express anything to that effect?
11 A. He expressed that he was interested in
12 taking on this position, the global position; he was
13 very interested in that. He was very excited about
14 it, he was -- it was a big promotion for him. It
15 was a great opportunity, a wide ranging opportunity
16 and he was very excited about it.
17 Q. Okay. Did he ever make any disparaging
18 remarks about any Americans during the 17 days that
19 you spent together?
20 A. Not that I recall.
21 Q. Did you ever hear him make a disparaging
22 remark about anyone in a protected group, whether it
23 be race or gender or age or national origin?
24 MS. GURMANKIN: During that

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1 17-day trip?
2 BY MR. RAPPOPORT:
3 Q. Well, at any time?
4 A. He did make some comments to me regarding
5 Americans directly to me and it had to do with
6 America's support of Israel.
7 Q. This is to Ms. Gurmankin's point. Was
8 this during the 17 days together?
9 A. No.
10 Q. Subsequent?
11 A. Subsequent to that, yes.
12 Q. Do you recall when?
13 A. I don't remember an exact date.
14 Q. Okay. Do you recall a context?
15 A. I'm going to say -- and I don't remember
16 the exact dates -- but I believe somewhere in 2014
17 Israel was attacked with missile attacks and Nir was
18 brought back into active duty and so was Roni Kafre.
19 Both of them had to go back into active duty along
20 with many other people. There's -- let me preface
21 this by saying there's so many altercations with
22 Israel and its neighbors that I don't remember. I
23 think that this was the Syrians that were causing
24 trouble at this time.

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1 And it was after that was over that he
2 came back and we were meeting and he said that the
3 Americans let them down, that they should have
4 supported them more quickly and more, you know, sent
5 in more troops, they should have brought in an
6 aircraft carrier. And so let me again preface by
7 saying I have no military experience, I am not a
8 military person. No one in my family -- my father
9 was in the navy in a World War II but I have no
10 military experience.
11 So his comments to me about what America
12 should have done in terms of response -- I don't
13 know if it's correct. I don't have an opinion, I
14 don't understand the military response. But he was
15 very negative about it, he was very vocal about it
16 that the Americans had let them down, that they
17 should have intervened, they should have come in
18 faster, they should have brought in more troops,
19 they should have --
20 And he was also very upset about how the
21 media -- another one of his comments later on after
22 that have had to do with yet another altercation
23 where Israel was being rocketed again by one of its
24 neighbors; I'm not sure which of the neighbors, I'd

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1 have to back and look it up. The press -- the U.S.
 2 press -- was very negative the Israeli response
 3 because the Israeli's had sent missiles back and had
 4 killed innocent bystanders apparently.
 5 Again, I'm not that familiar with it but
 6 his direct response to me was how many missiles
 7 would Canada have to fire at Washington, D.C. before
 8 the United States would fire back? The Israelis had
 9 used extraordinary restraint and they shouldn't be
 10 beaten up in the press because some innocent
 11 bystanders were injured in the protection of Israel.
 12 Q. Okay. This was the second episode?
 13 A. Yes.
 14 Q. Are there other episodes too?
 15 A. Directly to me?
 16 Q. Yeah.
 17 A. No.
 18 Q. And these were both in 2014?
 19 A. I -- I'm not sure of the dates. I think
 20 the second one may have been in 2015.
 21 Q. Okay. And did you conclude, as a result
 22 of these comments, that Nir had anti American bias?
 23 A. Not specifically and exclusively from
 24 those comments no.

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1 Q. Was it something more than those comments?
 2 A. Yes.
 3 Q. What?
 4 A. One of my direct employees went to Israel
 5 at the request of the CEO to work on organizing a
 6 global meeting. And while she was in Israel she
 7 took time to go and see Nir to thank him for the
 8 opportunity to come to Israel. She was an
 9 administrative assistant and she thought this was a
 10 phenomenal opportunity for her to go to Israel. She
 11 was very pleased that the company had asked her to
 12 go. She was excited about being there, she was very
 13 enthusiastic about what she was doing there.
 14 She sought Nir out, went to his office to
 15 thank him specifically for allowing her to go and
 16 tell him how beautiful she thought the country was
 17 and how nice the people had been to her. And he sat
 18 at his desk apparently and made some very derogatory
 19 comments to her that basically put her to tears and
 20 upset her greatly. It had to be do with comments
 21 about the narrow mindedness of Americans and very
 22 inappropriate comments.
 23 Q. What was the comment?
 24 A. Paraphrase to me when I found out was so

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1 you Americans don't realize -- or just are now
 2 realizing that we are all just a bunch of
 3 towel-headed camel jockeys.
 4 Q. That brought her to tears?
 5 A. Yes.
 6 Q. Who is this person?
 7 A. Carolyn Tousious.
 8 Q. Could you spell her last name?
 9 A. T-O-U-S-I-O-U-S.
 10 Q. Does she still work at TEVA?
 11 A. I don't know.
 12 Q. Okay. And when did this happen?
 13 A. I believe it would have been some time in
 14 2015, early '15.
 15 Q. Okay. So when you heard about this --
 16 from Carolyn or someone else?
 17 A. Carolyn didn't tell anyone about it for
 18 some period of time. She and another one of my
 19 employees, Ellen Cicak, were very close.
 20 Q. I had a feeling that she might be
 21 involved.
 22 A. Excuse me?
 23 Q. I had a feeling that she might be
 24 involved.

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1 A. Right.
 2 Q. So did she tell -- did Ellen Cicak hear
 3 something from Carolyn?
 4 A. Carolyn was obviously very upset and Ellen
 5 ask asked her what was wrong and Carolyn after -- it
 6 was some period of time, not days but probably
 7 weeks, maybe even months -- confided in her what had
 8 been said.
 9 Q. Okay.
 10 A. Ellen asked her if she was comfortable to
 11 have to come and speak to me. So after a period of
 12 time, Carolyn did come to me and confirm what had
 13 happened.
 14 Q. Okay. She shared the story about -- it's
 15 about time that Americans came to Israel and realize
 16 that we weren't a bunch of towel-wearing camel
 17 jockeys?
 18 A. Yes, something to that effect, yes.
 19 Q. Okay. Was there more?
 20 A. I didn't hear more than that and I don't
 21 think she heard more than that because I think she
 22 left the office and never wanted to go back.
 23 Q. Left the office in Israel?
 24 A. Nir's office and went back to the other

<p style="text-align: right;">Page 66</p> <p>1 office.</p> <p>2 Q. Was she emotional when she described the</p> <p>3 story to you?</p> <p>4 A. Yes.</p> <p>5 Q. Did you console her?</p> <p>6 A. I tried to.</p> <p>7 Q. Did you bring it to anyone else's</p> <p>8 attention?</p> <p>9 A. She asked me not to.</p> <p>10 Q. Okay. Did you advise Nir that he had</p> <p>11 upset one of your employees?</p> <p>12 A. Don't remember if I ever confronted him on</p> <p>13 that.</p> <p>14 Q. So the comments that you had shared about</p> <p>15 American support during an Israeli military skirmish</p> <p>16 about the American media as it relates to whether</p> <p>17 Israel had overreacted to missiles and the anecdote</p> <p>18 that you had just shared that was brought to your</p> <p>19 attention by one of the administrative employees</p> <p>20 together made you conclude what?</p> <p>21 A. The narrow headedness of bias against the</p> <p>22 U.S., people in the U.S.</p> <p>23 Q. Okay. And when did you come to this</p> <p>24 conclusion?</p>	<p style="text-align: right;">Page 68</p> <p>1 American bias?</p> <p>2 A. In July of 2015, Nir sent Shimrit and Roni</p> <p>3 to the U.S. with a couple issues in mind so there</p> <p>4 was an agenda set up. Part of the agenda was to do</p> <p>5 a training course on some new financial systems that</p> <p>6 were being rolled out that Shimrit was going to do.</p> <p>7 And another part of the agenda was share the results</p> <p>8 of the Global Facilities Organization with my</p> <p>9 team.</p> <p>10 The actual results were not always shared.</p> <p>11 We talked about the U.S. and the North American</p> <p>12 numbers at great length but we never -- part of the</p> <p>13 Global Facilities Management was to gain</p> <p>14 understanding of all the different areas so my team</p> <p>15 had asked for a meeting to share all of the results</p> <p>16 throughout world so that we could better understand</p> <p>17 how we were doing -- benchmark -- against the rest</p> <p>18 of the world and to understand what their best</p> <p>19 practices were so that we could incorporate them</p> <p>20 into our practice. And that was the purpose of this</p> <p>21 meeting.</p> <p>22 There was two -- like I said, more than</p> <p>23 one but those were the two main purposes. The</p> <p>24 meeting occurred in the U.S. in a training room in</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I don't remember the exact date.</p> <p>2 Q. I didn't ask for an exact date.</p> <p>3 A. I had thoughts concerning this bias as</p> <p>4 early as our 17-day tour and it only supported more</p> <p>5 and more as time went on over the entire time of my</p> <p>6 employment with Nir.</p> <p>7 Q. I thought you had responded to my question</p> <p>8 as to whether or not Nir said anything that was</p> <p>9 disparaging about Americans during this 17-day tour</p> <p>10 that he had not -- what happened during the 17-day</p> <p>11 tour that led you to believe that he might have a</p> <p>12 bias?</p> <p>13 A. I apologize; let me restate my answer.</p> <p>14 Q. Please.</p> <p>15 A. The bias that I talked about in our 17-day</p> <p>16 tour was with regard to age, not national origin.</p> <p>17 National origin comments started in 2014 and</p> <p>18 continued on.</p> <p>19 Q. Have you shared with me now all of the so</p> <p>20 called statements or comments or conduct that</p> <p>21 perceived that show an anti American bias?</p> <p>22 A. Comments, yes; conduct, no.</p> <p>23 Q. Okay. What conduct did you observe that</p> <p>24 supported your belief that Nir was or had an anti</p>	<p style="text-align: right;">Page 69</p> <p>1 North Wales Two. The financial training was</p> <p>2 completed and we opened the floor and the next part</p> <p>3 of the agenda was designed for the U.S. to ask</p> <p>4 questions, to understand what the rest of the world</p> <p>5 was doing.</p> <p>6 Scott Hoyt, one of my direct employees,</p> <p>7 asked the first question and Shimrit put her hand up</p> <p>8 in his face and told him to shush and that he was</p> <p>9 not allowed to ask questions about the rest of the</p> <p>10 world. And everybody was put back as to this was</p> <p>11 the purpose of the meeting.</p> <p>12 She then went around the room and walked</p> <p>13 around the room and physically closed all of the</p> <p>14 computers that people had at their desks and around</p> <p>15 the table, saying that it was very rude for people</p> <p>16 to have a computer open during a meeting. And she</p> <p>17 proceeded to scold everyone for their poor habits</p> <p>18 and behaviors. And she basically stopped the</p> <p>19 meeting and said, you know, we are not going to</p> <p>20 cover this; we have other things to cover. And she</p> <p>21 just changed the meeting to a different direction.</p> <p>22 This is completely different than all of</p> <p>23 the meetings I had seen and been in Israel with</p> <p>24 Shimrit and Roni and Nir. Shimrit, Roni, and Nir at</p>

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1 Q. Okay. And are you sure that Troy Galger
2 was eligible for the equity participation?
3 A. Yes.
4 Q. He was at that labor grade?
5 A. Yes.
6 Q. Was he the only one of your director
7 reports other than Ray that was at that labor grade?
8 A. At that point, yes.
9 Q. Is that because he was a senior director?
10 A. No, he was a director.
11 Q. Okay.
12 A. He was a director and above at the time so
13 associate so associate directors, on this particular
14 year to my knowledge, would not given them but,
15 again, a vice president could give them to managers,
16 to -- I mean, he could pretty much give them to
17 anybody.
18 Q. Okay.
19 A. You could give them all to you secretary,
20 you could do whatever you want with them was my
21 understanding. Now, did anybody do that? I have no
22 idea.
23 Q. Okay.
24 A. There's no way for me to know what anyone

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1 else has ever received. No one ever -- you sign an
2 agreement that you're not going to tell anyone what
3 equity shares you got when you get them. There's a
4 sign off sheet that says basically this is between
5 you and your manager and that's it.
6 Q. Are you familiar with the pivot program?
7 A. Pivot program.
8 Q. Pivot, P-I-V-O-T?
9 A. IN regards to what?
10 Q. A project at TEVA that involved facilities
11 management?
12 A. I know there was a company called Pivot
13 that was being used by Nir, a consulting company. I
14 don't know that it was a program.
15 Q. All right. What do you know about -- did
16 that Pivot organization interact with you?
17 A. Yes.
18 Q. Okay. And did you need to provide them
19 with information?
20 A. A ton of information, yes.
21 Q. Okay. Did any of the information that the
22 Pivot program asked for involve the ages of
23 employees?
24 A. Yes.

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1 Q. Okay. When did Pivot first ask you for
2 that information?
3 A. I'm going to say it was somewhere in the
4 beginning of 2014.
5 Q. First quarter of 2014?
6 A. I believe so.
7 Q. Okay. Did anyone at Pivot ask you or tell
8 you why they needed that information?
9 A. At one point, they got back to me and said
10 that the information would be used to determine
11 preferences for food services at a site.
12 Q. Do you recall who told you that?
13 A. There was a gentleman named Nir -- it
14 wasn't Nir Aharoni, it was Nir Joseph, I believe his
15 name was.
16 Q. Do you know a name Revital Michaelovitch
17 who, I believe, who was a consultant with Pivot?
18 A. That may have been Joseph's -- Nir
19 Joseph's -- boss.
20 Q. Okay.
21 A. I didn't have much to do with him but I --
22 there were a couple of meetings where the upper
23 management of Pivot were present. That name does
24 not ring a bell but it could very easily be. Most

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1 of my dealings were with Nir Joseph.
2 Q. What other information was Nir Joseph
3 seeking?
4 A. Wow.
5 Q. Demographic?
6 A. Demographic information. He also -- it
7 was all types of information -- organizational
8 charts, costs of various activities, the size and
9 shape of the facility, the landscaping square
10 footage, the amount of -- the products that were
11 made at a facility, how many products were made,
12 what were the volumes made. So all of the
13 statistics regarding production.
14 Q. Do you know what a data dump is?
15 A. I'm familiar with the term, yes.
16 Q. Okay. Did you provide a data dump with
17 information to Pivot and the person of Nir Joseph?
18 A. Oh, my, yes.
19 Q. Okay. Did you give Nir Joseph the age
20 information that he was seeking?
21 A. No, I did not.
22 Q. Why not?
23 A. I didn't think it was appropriate.
24 Q. Did you tell Nir Joseph that?

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1 A. Yes, I did.
 2 Q. Okay. What was his response?
 3 A. He asked for the information a second time
 4 and a third time and a fourth time.
 5 Q. To you?
 6 A. Yes, and to my people. He went -- after
 7 he went to me then he sent it directly to my people
 8 and my people got back to me and said what is this.
 9 And so I went back to him and I said no. The last
 10 time he did it he changed the spreadsheet to include
 11 not ages of people but ranges of ages. So he wanted
 12 to know how many people were between 20 and 25, how
 13 many were 25 to 30, 35 to 40 and I rejected that, as
 14 well. I said this is not information that I have,
 15 it's not information that I can give you, and it's
 16 inappropriate.
 17 Q. Okay. Did you share with the other Nir,
 18 Nir Aharoni, that you'd been asked to provide this
 19 information?
 20 A. Yes.
 21 Q. Okay. And did he indicate to you that you
 22 would not be required to provide it?
 23 A. He asked for it.
 24 Q. Nir Aharoni did?

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1 A. Asked me specifically. So two different
 2 asks -- Nir Aharoni asked me for the ages of
 3 everyone who worked either directly for me or
 4 indirectly for me, so the 73 people in my group. He
 5 asked me specifically for that information.
 6 Q. Okay. Was that unrelated to the Pivot
 7 program?
 8 A. These were separate from the Pivot
 9 program.
 10 Q. Was it at the same time?
 11 A. First Nir came and then the Pivot
 12 organization came.
 13 Q. Okay. Was the request for information the
 14 same request just made by two different Nirs?
 15 A. No.
 16 Q. Okay.
 17 A. So the first one from Nir had to do
 18 specifically with my direct reports.
 19 Q. Okay. And that was in the first quarter
 20 of 2014?
 21 A. Yes.
 22 Q. Okay.
 23 A. That was from Nir.
 24 Q. Okay. Nir Aharoni, just so we're clear?

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1 A. Nir Aharoni. And Nir Aharoni so there was
 2 a -- just to be clear -- Nir asked for the dates of
 3 all the people. He asked for a smaller data dump.
 4 He wanted the name, email address, phone number,
 5 date of birth, I believe he asked if they were male
 6 or female, and also when they started with TEVA. So
 7 there were six or seven items.
 8 Q. Okay. Did he tell you why he needed that
 9 information?
 10 A. Yes, he did.
 11 Q. What did he tell you?
 12 A. He said very specifically that he was a
 13 hands-on people manager and that he liked to have
 14 this information so that when someone's birthday
 15 came up he could send them a birthday card and say
 16 congratulations on your birthday blah, blah, blah,
 17 or if their anniversary with the company came up
 18 that he would send a congratulatory message saying,
 19 you know, congratulations on your eight years with
 20 the company, great job, you know, thank you for your
 21 support.
 22 Q. Did you accept his explanation?
 23 A. I'll tell you what I did do.
 24 Q. Answer my question and then you can tell

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1 me what you did do. Did you accept his explanation?
 2 A. At face value, yes.
 3 Q. Okay. What did you do?
 4 A. I had Holly, one of my assistants, prepare
 5 a list as he requested of all the 73 people on our
 6 list with names, emails, phone numbers, and day of
 7 birth; I left off the year. Because I figured if
 8 you're going to send somebody a message on your
 9 birthday, if it's July 21st it doesn't matter what
 10 year it is.
 11 So I sent that to him in an email. I
 12 still have a copy of the form that Holly put
 13 together for me and sent it off to him very early in
 14 our organization.
 15 Q. Do you recall whether or not you provided
 16 that email to your counsel as part of my discovery
 17 request?
 18 A. I believe I did.
 19 Q. Okay. And when he received the email that
 20 you've just made reference to with birth dates but
 21 not birth years, did he respond?
 22 A. He wanted to know why I didn't include the
 23 years.
 24 Q. Okay. Was this by phone or by email?

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1 A. This was by phone.
 2 Q. Okay.
 3 A. So if I can, there was one birth year on
 4 the list, mine.
 5 Q. Why did you provide yours?
 6 A. I had already told him how old I was.
 7 Q. Okay. So this was a message of sorts?
 8 MS. GURMANKIN: Objection to
 9 form, you can answer.
 10 THE WITNESS: It was not a
 11 message of any sort. He already knew my
 12 date of birth so I wasn't giving him any
 13 new information.
 14 BY MR. RAPPOPORT?
 15 Q. Okay. So when he receives your email with
 16 your date of birth but no one else's, he asks you
 17 why and you provide an explanation?
 18 A. Yes. I told him that I did not have the
 19 information of the date of birth of people, I could
 20 not get the information of the date of birth, and I
 21 could not ask for that from my people, and that it
 22 was against the law for me to even ask those
 23 question of my people.
 24 His response to me was that's ridiculous.

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1 you?
 2 A. She said that this was inappropriate
 3 behavior and that she would contact the HR people in
 4 Israel and make sure that this didn't happen again.
 5 Q. Do you have any reason to believe that she
 6 did or didn't?
 7 A. I take her for her word; I believe she
 8 did.
 9 Q. Okay. So is that everything? Is there
 10 more to the story with regard to Nir Aharoni asking
 11 you for the ages of employees within your
 12 organization?
 13 A. So as the Pivot people --
 14 Q. I'm not at Pivot yet.
 15 A. Let me finish, please. As the Pivot
 16 people continued to ask the questions after the
 17 third or fourth request, I got back on the phone
 18 with Nir and said you have to stop this. I said if
 19 I have to I'll go to HR on this and this is going to
 20 be become a huge issue; we need to stop this, please
 21 make it happen. And between that and Elaine McGee
 22 the responses for age information stopped.
 23 Q. What month would you say that would have
 24 been?

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1 Knowing someone's age in Israel is as common a
 2 practice as can be. In fact, everyone puts their
 3 age on the first line of their resume and that
 4 hiring decision and promotion decisions are
 5 typically made using age as one the discerning
 6 factors and it was common practice in Israel. To
 7 which I responded that it is against the law in the
 8 United States to do so and I would not be providing
 9 that information to him.
 10 Q. And did he ask again?
 11 A. He did not ask again. Pivot asked, who
 12 reported to him.
 13 Q. We're not going to talk about Pivot until
 14 I get to Pivot but let me just stay with Nir.
 15 A. Yes.
 16 Q. Did you share with Elaine McGee what you
 17 you've just described as it relates to the list of
 18 your organization?
 19 A. Yes, I did.
 20 Q. What did she tell you?
 21 A. She was aghast.
 22 Q. You don't tell someone I'm aghast, you --
 23 A. She was incredulous.
 24 Q. Same thing, you -- what did she say to

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1 A. Probably midyear.
 2 Q. Elaine McGee was replaced by Mini in June
 3 of 2014; I'll make that representation. Does that
 4 help you in terms of putting a timeline as to when
 5 this would have occurred?
 6 A. It would have been right about that time
 7 because Mini was also aware of this.
 8 Q. Okay.
 9 A. Yes.
 10 Q. All right.
 11 A. Can I add one more --
 12 Q. At the risk of your --
 13 MS. GURMANKIN: Yes, go ahead.
 14 THE WITNESS: So you asked me if
 15 Nir here was sincere in his request.
 16 BY MR. RAPPOPORT:
 17 Q. About birthdays?
 18 A. About birthdays. So he received all of
 19 that information with the birthdays and the start
 20 dates of employees and for two and a half years the
 21 clock ran. And on no single occasion did he ever
 22 write an email to anyone on that list as a birthday
 23 or a date of-- anniversary date. So you're going to
 24 ask me at the beginning do I take him at his word --

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1 THE WITNESS: Because we talk to
2 HR all the time.
3 BY MR. RAPPOPORT:
4 Q. Absolutely, you're right; bad question, I
5 can start all over if you want me to.
6 A. Please.
7 Q. Okay. Prior to the meeting with Shimrit
8 and Roni in July of 2015, had you or to your
9 knowledge anyone in your organization complained
10 about the treatment to Nir or other Israelis?
11 A. I had complained about the age requests to
12 HR prior that.
13 Q. In 2014?
14 A. In 2014, yes.
15 Q. And you said that was to Elaine and to
16 Mini as she was joining the organization?
17 A. Yes.
18 Q. Okay.
19 A. As far as any other activities, I don't
20 know if Ray -- I mean, Ray would have contacted HR
21 regarding his equity issue but I don't know exactly
22 -- again, so that would have occurred early 2015
23 prior to this meeting.
24 Q. Okay.

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1 A. After the meeting with Shimrit and Roni,
2 we had a meeting, a staff meeting, lined up for
3 August in Pennsylvania. I added Mini to the agenda
4 so that we could talk through the issues and I gave
5 her a heads up as to what some of the issues might
6 be.
7 Q. And what were the heads up issues that you
8 gave her?
9 A. Well, I gave her the heads up issues about
10 the timing problems that we had, the difference in
11 treatment that the group felt that they were being
12 treated differently than their counterparts in
13 Europe and in Israel.
14 Q. And that was just based upon what you had
15 shared because no one else had any comparative
16 information other than you and what you testified
17 previously and I'm going on was you had noticed how
18 Shimrit in meetings and now what she was being
19 critical of. So no one else had any exposure to
20 that?
21 A. Well, they have exposure to meetings every
22 day in the U.S. where people don't do what.
23 Q. Okay, all right. What else was on the
24 agenda?

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1 A. There were standard items, there was our
2 budget, there was, you know, standard and then there
3 was HR issues. And HR included -- so any HR issues.
4 So the biggest one at that time was the issue
5 surrounding that meeting with Shimrit and Roni so
6 that was the big one.
7 Q. Something bad happened during that
8 meeting --
9 A. Yes.
10 Q. -- that upset people?
11 A. Yes.
12 Q. You were one of the people that were
13 upset?
14 A. Yes.
15 Q. Okay. You felt you were belittled?
16 A. Yes.
17 Q. And how were you belittled?
18 A. I was treated like a child.
19 Q. Okay. In what way?
20 A. Well, when's the last time someone put
21 their hand over your face and shushed you?
22 Q. You were shushed?
23 A. Yeah.
24 Q. I don't recall. Although I'm usually not

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1 answering your questions; it's the other way around.
2 A. You understand. So yes, there were direct
3 implications from that meeting.
4 Q. Okay. So you observed the way -- the
5 behaviors of Roni and Shimrit and you decided that
6 it would be a good idea for Mini to attend your
7 meeting to discuss that meeting?
8 A. And also -- so let me -- so while I'm
9 sitting here thinking. So after the meeting with
10 Shimrit and Roni we all decided to go out to dinner.
11 Q. Including Shimrit and Roni?
12 A. Yes, we took them out to dinner as hosts,
13 they're in our country, of course, it was part of
14 the agenda; it's always part of the agenda. When I
15 was in Israel, they took me out to dinner.
16 Q. To Arthur Ann, as I recall, is where
17 Heather always takes people to dinner.
18 A. There are other places -- you know, I let
19 them decide, I let them -- all right. And they were
20 very gracious to me when I was in Israel, they
21 always took me out, and I reciprocated that here in
22 the U.S. always. So we went out to dinner. On the
23 way to dinner, Rhonda Wilton took a phone call.
24 Q. She's the Canadian?

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1 A. She's the Canadian.
 2 Q. You're in the car?
 3 A. I'm driving.
 4 Q. Okay. Who else is in the car?
 5 A. Shimrit and Roni.
 6 Q. Okay. The four of you?
 7 A. The four of us in my car driving, I'm
 8 driving. Rhonda gets a phone call and so I'm not
 9 necessarily listening and she talks to someone on
 10 the phone and at the end she says, oh, thanks, you
 11 know, love you honey.
 12 Q. Okay. She uses the term of endearment
 13 honey?
 14 A. Honey.
 15 Q. And Shimrit makes reference to it.
 16 A. Yes. Why don't you call your husband
 17 hubby? What does honey mean?
 18 Q. She was joking?
 19 A. Really? Are you testifying to that? Were
 20 you there.
 21 Q. That was a question. She was joking
 22 question mark.
 23 A. No.
 24 Q. She was saying it in an official capacity?

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1 A. She wanted to know why she didn't call the
 2 person on the phone hubby.
 3 Q. Okay. To which Rhonda responded that
 4 she's not married?
 5 A. She's not married.
 6 Q. Okay.
 7 A. At which point --
 8 Q. Shimrit lectures her?
 9 A. -- Shimrit at the top of her lungs screams
 10 at her about having children out of marriage. And
 11 then turns to me while I'm driving and says Steve,
 12 you have to solve this problem -- and started
 13 banging me on the back of my shoulder saying you
 14 need to do something right now, you're the manager,
 15 you need to solve this issue.
 16 Q. What would be the issue that needed to be
 17 solved?
 18 A. Apparently I needed to get the two of them
 19 married.
 20 Q. All right. So that was something you
 21 wanted Mini to know about?
 22 A. Absolutely.
 23 Q. And you shared that with Mini in the
 24 contact that you had with her to set up the meeting?

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1 A. Yes.
 2 Q. Because you felt that was inappropriate
 3 and improper behavior?
 4 A. And because -- whether or not I thought it
 5 was inappropriate it affected Rhonda very
 6 negatively.
 7 Q. Okay.
 8 A. So Rhonda ended up in tears and she could
 9 barely talk about the incident afterward. Just
 10 prior to that, as well, John Epley, who is the
 11 engineer who worked for me and became the
 12 engineering director after. Shimrit had come out of
 13 the meeting and we were all in our little area and
 14 someone -- and I wasn't privy to the conversation, I
 15 was in my office -- and somehow she heard that John
 16 had broken up with his long term girlfriend of 11 or
 17 12 years.
 18 Q. Someone you've met.
 19 A. I did not meet her, no.
 20 Q. Okay. And doesn't Shimrit say something
 21 to the effect that meet -- introduce her to a nice
 22 Jewish girl?
 23 A. Yes.
 24 Q. Okay.

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1 A. To which John is very upset and everyone
 2 around them is --
 3 Q. Aghast, as you would say?
 4 A. -- yes.
 5 Q. Okay.
 6 A. Inappropriate behavior.
 7 Q. Because she used the term nice Jewish
 8 girl?
 9 A. No, because she said I'll set you up with
 10 -- you know, it's none of her business.
 11 Q. Okay. So she was being a little bit too
 12 familiar?
 13 MS. GURMANKIN: Objection to
 14 form.
 15 BY MR. RAPPOPORT:
 16 Q. Okay. And this comes to your attention
 17 because John shares it with you?
 18 A. No, I heard -- once it started, I heard it
 19 come through my office because voices got raised
 20 and, you know, people were, you know, incredulous as
 21 to what was going on.
 22 Q. And that was the same day as the dinner
 23 comment?
 24 A. Yeah.

EXHIBIT “B”

In The Matter Of:
STEPHEN MIDDLEBROOKS v.
TEVA PHARMACEUTICALS USA, INC., et al.

ELLEN H. CICAk
April 4, 2018

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STEPHEN MIDDLEBROOKS v.
TEVA PHARMACEUTICALS USA, INC., et al.

ELLEN H. CICA
April 4, 2018

<p style="text-align: right;">Page 89</p> <p>1 A. The next day when we clarified. 2 Q. What did he share with you that he 3 meant? 4 A. That he meant "keep it short." 5 Q. Do you find that offensive too? 6 A. No. 7 Q. Did Roni ever ask you what your age was? 8 A. Yes. 9 Q. When? 10 A. Early in the IFM time period. 11 Q. In 2014? 12 A. That's likely the time. 13 Q. What did Roni ask? 14 A. He asked me how old I was. 15 Q. Did he tell you why he needed that 16 information? 17 A. No. 18 Q. That would have been before you were 19 promoted, wouldn't it have been? 20 A. I don't know. 21 Q. Around the same time, at least? 22 A. I don't know. 23 Q. But it certainly didn't cause you to 24 have any change in your job condition, did it?</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Did Nir ever ask you what your age was? 2 A. No. He asked for birth dates. 3 Q. Did he ask you your birth date? 4 A. He asked for birth dates of the reports. 5 Q. Did he ask that of you? 6 A. He did not ask that of me. 7 Q. So please listen to my question. 8 A. I am. 9 Q. Because I am trying to be clear and it 10 seems like you want to tell your story. 11 When I said did he ever ask you 12 your age, you said no. And then you said he 13 asked birth dates, but he didn't even ask you 14 your birth date. So listen to the question. 15 It will make this a lot easier and less 16 painful. 17 A. Okay. 18 Q. Okay. 19 Did either Roni or Nir ever ask you 20 what your marital status was? 21 A. I don't recall. 22 Q. Did either Roni or Nir ever ask you how 23 many children you had? 24 A. I don't recall.</p>
<p style="text-align: right;">Page 90</p> <p>1 A. No. 2 Q. Did you tell him how old you were? 3 A. I did. 4 Q. Were you embarrassed by the question? 5 A. I knew in the business world it wasn't 6 appropriate. 7 Q. That wasn't my question. 8 MS. GURMANKIN: She is not 9 finished. 10 MR. RAPPOPORT: She doesn't 11 answer my question. 12 MS. GURMANKIN: She is not 13 finished. Let her finish. 14 THE WITNESS: I knew in the 15 business world it wasn't appropriate. I 16 wasn't comfortable answering it. But I did 17 answer it. 18 BY MR. RAPPOPORT: 19 Q. Why? 20 A. Because I didn't want to argue with him 21 about it. 22 Q. Did he tell you why he needed the 23 information? 24 A. No.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Did either Roni or Nir ever ask you how 2 many grandchildren you had? 3 A. I don't recall. 4 Q. Did either of them ask you what your 5 national origin was? 6 A. No. 7 Q. Did you hear either Roni or Nir ever 8 make a disparaging remark about Americans? 9 A. Yes. 10 Q. Who? 11 A. Nir. 12 Q. When? 13 A. During the trip to Israel. 14 Q. In 2016 after Steve was already gone? 15 A. Yes. 16 Q. Tell me about what he said? 17 A. Kat, whose last name I don't recall, was 18 speaking at the GFM group. She made an opening 19 remark, a joke to break the ice, and the joke 20 was about people of different ethnicities. That 21 there was, I believe it was a hunger initiative, 22 because all of the different countries around 23 the world responded based on some ethnic 24 assumption. But then when they asked the</p>

STEPHEN MIDDLEBROOKS v.
TEVA PHARMACEUTICALS USA, INC., et al.

ELLEN H. CICA
April 4, 2018

<p style="text-align: right;">Page 93</p> <p>1 Americans, the Americans just knew nothing. 2 Q. This was Kat's joke? 3 A. This was Kat's joke. 4 Q. Knew nothing or did nothing? 5 A. Knew nothing is my recollection. 6 Q. What happened next? 7 A. The table where the North American group 8 were sitting visibly moved. Not the table 9 itself, but the people at the table visibly 10 tensed. And the HR representative at the next 11 break, a representative from HR came over and 12 asked if we were all okay. And we said we just 13 didn't appreciate it. It was insulting. 14 Q. Kat's joke was insulting? 15 A. Kat's joke was insulting. 16 The HR rep agreed and said she would 17 have Kat apologize. 18 At lunch Kat came over and told us 19 that she was sorry that we didn't know what 20 funny was. 21 At the end of the conference, Nir 22 gathered the North American team together and 23 told us that he understood that we didn't like 24 it, but that we needed to understand that that's</p>	<p style="text-align: right;">Page 95</p> <p>1 she relayed to me what a wonderful time that she 2 had except this problem that she had when she 3 was there with Nir. 4 Q. Did she describe the problem? 5 A. She said that she stopped by to see Nir 6 and tell him what a wonderful time she had had 7 and how beautiful the country was. And Nir's 8 response was that then she would now know that 9 they weren't just a bunch of guys riding camels. 10 Q. Did you find that to be offensive? 11 A. Carolyn found it to be offensive. 12 Q. How about you when shared to you by 13 Carolyn? Is that an offensive comment? 14 MS. GURMANKIN: Wait. Which 15 question do you want answered? 16 BY MR. RAPPOPORT: 17 Q. Answer the question, did you find it to 18 be offensive when shared to you by Carolyn? 19 A. I was surprised, not offended. 20 Q. What surprised you? 21 A. That there would be any assumption that 22 that would be what we Americans would think. 23 Q. And when Carolyn shared that with you, 24 did you feel compelled to bring it to the</p>
<p style="text-align: right;">Page 94</p> <p>1 just the kind of thing they think is funny. 2 Q. So is it fair to say he basically 3 said "lighten up"? 4 A. No, I don't think that's what he said. 5 I think what he said is that we needed to be 6 okay with this ethnic context. 7 Q. Is that the extent of the story or is 8 there more to it? 9 A. That's the story. 10 Q. And that is your example of Nir's bias 11 towards Americans? 12 MS. GURMANKIN: Objection to 13 form. That wasn't the question. 14 MR. RAPPOPORT: I believe it was, 15 but you can answer. 16 MS. GURMANKIN: No, it wasn't. 17 BY MR. RAPPOPORT: 18 Q. Is that your example, only example of 19 evidence showing Nir's bias towards Americans? 20 A. No. 21 Q. What else do you have? 22 A. Carolyn Tousius, she went to Israel, and 23 when she returned, I was talking to her about 24 something related to the Manhattan office. And</p>	<p style="text-align: right;">Page 96</p> <p>1 attention of your manager Steve Middlebrooks? 2 A. Well, at the time Steve was also 3 Carolyn's manager. So yes, because Steve was 4 Carolyn's manager and she was very upset. I did 5 tell Steve so that he could reach out to her. 6 Q. When you say she was very upset, it 7 brought her to tears when she shared this with 8 you? 9 A. I don't know that she was in tears, but 10 she was certainly very angry. I can't tell you 11 what her emotion was, but she was unhappy. 12 Q. When you advised Steve of this 13 unfortunate use of the term camels and 14 American's perceptions of Israelis, what did 15 Steve say he would do about it? 16 MS. GURMANKIN: Objection to 17 form. You can answer. 18 THE WITNESS: That he would reach 19 out to Carolyn. 20 BY MR. RAPPOPORT: 21 Q. And do you know whether he did? 22 A. No. 23 Q. Did you ever speak to Carolyn about it 24 again?</p>

EXHIBIT “C”

STEPHEN MIDDLEBROOKS v. TEVA PHARMACEUTICALS

JOHN JOSEPH EPPLEY

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1 APPEARANCES:	1 JOHN JOSEPH EPPLEY, III, having been
2 CONSOLE MATTIACCI LAW	2 duly sworn, was examined and testified as follows:
3 BY: CAREN N. GURMANKIN, ESQUIRE	3 EXAMINATION
4 Gurmankin@consolelaw.com	4 BY MR. RAPPOPORT:
5 1525 Locust Street, 9th Floor	5 Q. Good morning, Mr. Eppley. My name is Larry
6 Philadelphia, Pennsylvania 19102	6 Rappoport. I'm an attorney for Teva. I am
7 215-545-7676	7 defending a lawsuit that was brought by Stephen
8 Counsel for Plaintiff	8 Middlebrooks against Teva which is pending in
9 STEVENS & LEE	9 federal court.
10 BY: LARRY J. RAPPOPORT, ESQUIRE	10 In the course of the litigation
11 Ljrstevenslee.com	11 parties often take depositions of witnesses who
12 1818 Market Street	12 have been identified as having knowledge or
13 29th Floor	13 information with regard to claims and defenses, and
14 Philadelphia, Pennsylvania 19103	14 you have been so identified in this case, which is
15 215-575-0100	15 why I'm taking your deposition today.
16 Counsel for Defendants	16 I'm going to ask you a series of
17	17 questions and expect that you'll respond to my
18	18 questions and would ask that you respond orally as
19	19 opposed to using body language to respond. That
20	20 way the court reporter will be able to not have to
21	21 interpret your body language and can just record
22	22 what it is that you say.
23	23 I'm going to also suggest to you that
24	24 you wait until I'm finished my question before you

STEPHEN MIDDELBROOKS v. TEVA PHARMACEUTICALS

JOHN JOSEPH EPPLEY

<p style="text-align: right;">Page 33</p> <p>1 the other groups were doing in terms of achieving</p> <p>2 cost savings, the perception was that you were</p> <p>3 being treated unfairly?</p> <p>4 A. That's correct, or at least differently.</p> <p>5 Q. And how do you make the connection that it</p> <p>6 had anything to do with the fact that you were</p> <p>7 Americans?</p> <p>8 A. America has the biggest -- well, the biggest</p> <p>9 spend and therefore was continually asked to</p> <p>10 provide a disproportionate amount of savings.</p> <p>11 Q. Did that seem illogical to you?</p> <p>12 A. It seemed easy to me.</p> <p>13 Q. To target the company or the country that</p> <p>14 had the biggest spend?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever hear anyone reference Americans</p> <p>17 being lazy or stupid or ungrateful or those types</p> <p>18 of adjectives associated with Americans coming from</p> <p>19 Nir or Roni?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Do you personally feel that you were held</p> <p>22 back because you were an American?</p> <p>23 A. No.</p> <p>24 Q. Did Steve ever indicate to you, either</p>	<p style="text-align: right;">Page 35</p> <p>1 mindset changed when Dan Ramirez took over?</p> <p>2 A. Some aspects changed when Dan took over.</p> <p>3 Q. Which ones were they?</p> <p>4 A. For me I got more sites, more</p> <p>5 responsibilities.</p> <p>6 Q. But my question was, to the extent there was</p> <p>7 a we-versus-them mindset that may have existed in</p> <p>8 2014 and 2015, when Dan Ramirez took over in 2016,</p> <p>9 did that continue or did it go away?</p> <p>10 A. There -- it got pretty quiet from Israel.</p> <p>11 The interaction for me got less and less in terms</p> <p>12 of frequency. And then I think there's a -- with a</p> <p>13 change in leader, there's a change in -- there's a</p> <p>14 reset button to some degree that kind of allows for</p> <p>15 that.</p> <p>16 Q. Were you ever asked your age by anyone in</p> <p>17 the 2014 to 2016 time frame?</p> <p>18 A. Yes.</p> <p>19 Q. Who?</p> <p>20 A. Shimrit.</p> <p>21 Q. When?</p> <p>22 A. Somewhere, I don't know exactly, but it</p> <p>23 would have been late April, early May.</p> <p>24 Q. In person?</p>
<p style="text-align: right;">Page 34</p> <p>1 individually or as part of a group, that this all</p> <p>2 had to do with the fact that you were Americans and</p> <p>3 that they didn't like Americans?</p> <p>4 A. What do you mean by "this?"</p> <p>5 Q. The fact that they were insisting or</p> <p>6 requesting that you achieve greater cost savings</p> <p>7 than your counterparts?</p> <p>8 A. We -- well, Rhonda is Canadian, but North</p> <p>9 America, you know, our bucket was savings.</p> <p>10 Q. I'm sorry.</p> <p>11 A. We had to deliver more. We were asked to</p> <p>12 deliver more to make up for other groups.</p> <p>13 Q. And my question was, did Steve ever indicate</p> <p>14 to you, either individually or as part of the</p> <p>15 group, that this was because you were Americans and</p> <p>16 that the Israelis didn't like you and preferred</p> <p>17 others?</p> <p>18 A. No, I don't believe so.</p> <p>19 Q. Was there a we-versus-them mindset at Teva</p> <p>20 in this period of time, by that I mean 2014/2015?</p> <p>21 A. In terms of discussions, yes, there's this</p> <p>22 group, that group. We, them. There's many</p> <p>23 different aggregations of people.</p> <p>24 Q. Did you notice that the we-versus-them</p>	<p style="text-align: right;">Page 36</p> <p>1 A. No, through phone.</p> <p>2 Q. And what do you recall her asking?</p> <p>3 A. How old, more or less explicitly, how old</p> <p>4 are you type of conversation.</p> <p>5 Q. And did she tell you why she needed that</p> <p>6 information?</p> <p>7 A. No.</p> <p>8 Q. Did you tell her how old you were?</p> <p>9 A. I sidestepped the answer.</p> <p>10 Q. And how were you able to do that?</p> <p>11 A. Try and make a joke of, you know --</p> <p>12 Q. Did she ever ask again?</p> <p>13 A. No, I don't believe -- if she did, I pawned</p> <p>14 it off again, but it was not numerous times of</p> <p>15 asking.</p> <p>16 Q. Did anyone other than Shimrit ever ask you</p> <p>17 your age?</p> <p>18 A. Within our group, no.</p> <p>19 Q. Beg your pardon?</p> <p>20 A. Within our group, no.</p> <p>21 Q. How about anyone at Teva?</p> <p>22 A. Oh, yes, lots of people ask me how old I am.</p> <p>23 Q. Are these just Israelis?</p> <p>24 A. Americans, too. Canadians.</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. Do you sidestep it when you're asked by</p> <p>2 Americans and Canadians?</p> <p>3 A. Usually, yes.</p> <p>4 Q. Is that because you think there's a privacy</p> <p>5 concern?</p> <p>6 A. Yes, it's none of people's business how old</p> <p>7 I am in a work atmosphere.</p> <p>8 Q. Was the subject of being asked about ages</p> <p>9 something that you had heard being discussed in the</p> <p>10 2014/2015 time period?</p> <p>11 A. Yes.</p> <p>12 MS. GURMANKIN:: Objection to the</p> <p>13 form.</p> <p>14 BY MR. RAPPOPORT:</p> <p>15 Q. What do you recall hearing in that regard?</p> <p>16 A. I thought I, I thought the question was do</p> <p>17 other people -- yes, so other peers of mine had</p> <p>18 been asked how old they are.</p> <p>19 Q. And did you actually observe that or hear</p> <p>20 that or were you told that by these peers?</p> <p>21 A. At the time I sat next to Kristin Macone and</p> <p>22 she had been asked how old she was.</p> <p>23 Q. Do you recall by who?</p> <p>24 A. Shimrit again.</p>	<p style="text-align: right;">Page 39</p> <p>1 and seemed to be taken as an intrusion or -- to</p> <p>2 find out.</p> <p>3 Q. Did anyone ever share with you that certain</p> <p>4 decisions were being made based on age?</p> <p>5 A. That's always the fear with sharing</p> <p>6 information like that.</p> <p>7 Q. So it was a fear that it could be used but</p> <p>8 are you aware of any instances where it was used?</p> <p>9 A. I don't know what I don't know, so it could</p> <p>10 have been used. It might not have been used.</p> <p>11 Q. You can't identify any time that it was</p> <p>12 used?</p> <p>13 A. It could have been, but I don't know, so no.</p> <p>14 Q. So you can't identify?</p> <p>15 A. Correct.</p> <p>16 Q. Did Mr. Middlebrooks ever weigh in on what</p> <p>17 he thought about requests made for the ages of the</p> <p>18 individuals who worked in North America?</p> <p>19 A. He asked -- he said he didn't feel it was</p> <p>20 appropriate for many of the same reasons I just</p> <p>21 described.</p> <p>22 Q. Did he indicate that he would do something</p> <p>23 about it?</p> <p>24 A. I believe he would mention it or was going</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Around the same time that you were asked?</p> <p>2 A. I believe so.</p> <p>3 Q. And do you recall whether Kristin shared</p> <p>4 that age information?</p> <p>5 A. She did not.</p> <p>6 Q. What do you recall happening when she didn't</p> <p>7 provide the age information?</p> <p>8 MS. GURMANKIN:: Objection to the</p> <p>9 form.</p> <p>10 BY MR. RAPPOPORT:</p> <p>11 Q. You can answer.</p> <p>12 A. I believe she even heard that her other</p> <p>13 finance colleagues were asked about her and her</p> <p>14 age.</p> <p>15 Q. Was that a matter of concern among the</p> <p>16 direct reports of Steve Middlebrooks?</p> <p>17 A. It was.</p> <p>18 Q. Why?</p> <p>19 A. There's many things you're not supposed to</p> <p>20 ask in the U.S.</p> <p>21 Q. Was anyone in particular more concerned than</p> <p>22 others with regard to these age inquiries?</p> <p>23 A. It was just a general -- invasion might be a</p> <p>24 strong word, but it's not required, not necessary,</p>	<p style="text-align: right;">Page 40</p> <p>1 to bring it up to Nir, so that people on Nir's team</p> <p>2 would not continue with similar types of questions.</p> <p>3 Q. And do you know whether he did?</p> <p>4 A. I believe he did, but I wasn't present, of</p> <p>5 course, in that type of private conversation.</p> <p>6 Q. Do you know whether it ended as a result of</p> <p>7 his efforts?</p> <p>8 A. I know the questions stopped, yes.</p> <p>9 Q. And do you know when they stopped?</p> <p>10 A. I don't recall being asked my age after say</p> <p>11 June or something, later that summer.</p> <p>12 Q. Of 2015?</p> <p>13 A. Would have been the same -- that's '14,</p> <p>14 isn't it?</p> <p>15 Q. Okay.</p> <p>16 A. I believe it's '14.</p> <p>17 Q. What was Shimrit Shem-Tov's responsibility</p> <p>18 as it related to facilities management?</p> <p>19 A. She was our global finance partner.</p> <p>20 Q. And what did that require her to do?</p> <p>21 A. At that level she was aggregating financial</p> <p>22 accounts for the various different regions.</p> <p>23 Q. So she was responsible for data?</p> <p>24 A. Yes, it was cost accounting, reporting</p>

<p style="text-align: right;">Page 125</p> <p>1 saved many of these announcement. I'd have to go 2 look it up. 3 Q. Any other comments about age or older people 4 that you ever heard from anyone at Teva? 5 A. Just general comments about, you know, 6 younger people are more economical. 7 Q. Who have you heard make those general 8 comments? 9 A. They're typically aligned with hourly or 10 mechanics or positions that don't always require a 11 professional degree or the business doesn't 12 necessarily need decades of experience. 13 Q. Do you remember anyone who you've heard make 14 those comments that younger people are more 15 economical? 16 A. Explicitly, I know I've heard it a few 17 times, but they're almost always related to 18 clerical or non -- I don't want to say nonskilled, 19 because these people do have skills, but they're 20 not the traditional sense of skill set. 21 Q. Do you remember specifically anyone who made 22 that comment? 23 A. Usually it comes with seating people, 24 departments that I have to renovate a space for,</p>	<p style="text-align: right;">Page 127</p> <p>1 hire, that type of thing, employee, for obvious 2 reasons. 3 I was asked those questions through my 4 management, Nir. I was trying to hire a job in 5 West Chester, and I was often asked, Why can't I 6 just get a contract engineer to do the job. West 7 Chester is an R&D site, so -- and I had to write 8 many justifications to try and get a direct hire 9 position. 10 Q. Did Nir ever make a comment to you along the 11 lines of hiring younger people are more economical? 12 A. I don't know if he explicitly told me that, 13 but I know it's a general -- you know, we don't pay 14 near retirement salaries to fresh grads, that's 15 just not how it works. 16 Q. Sure. 17 Houman's title, do you know what that 18 was at the time that you heard him make the 19 comment? 20 A. He made a comment about contract services. 21 Q. Did Houman make a comment about it being 22 more economical to hire younger people? 23 A. That's a jump. 24 Q. I'm sorry?</p>
<p style="text-align: right;">Page 126</p> <p>1 and they say, Oh, I'm going to hire -- I need to 2 backfill positions or there's going to be a new 3 position, and I could get one or I could get two 4 for the price of one. 5 You know, they're not necessarily I'm 6 intentionally hiring to save money per se, it's 7 usually a mapping of the workload that's required 8 to the skill set, you know, so that type of thing. 9 Q. Sure. 10 Do you remember the name of anyone 11 that you've heard make that comment? 12 A. At any point in time? 13 Q. Yes. 14 A. I've heard it used in R&D, because like 15 glass watchers, you know, things like that that are 16 more effort related than professional experience, 17 but they're usually just in passing, not malicious 18 or anything. 19 Q. Do you remember who in R&D you've heard make 20 that comment? 21 A. So I know we hired -- yes, there's -- we 22 hired resources through Houman is his name, there's 23 project management support services, it's cheaper 24 to hire a contract project manager than a direct</p>	<p style="text-align: right;">Page 128</p> <p>1 A. I think that's a jump. 2 Q. Sure. I just -- 3 A. His comment was hire contract because 4 it's -- can be cheaper if we need the services. 5 The -- those roles are often younger people. There 6 are older people in those contract roles for 7 different reasons, but they're often a mixed bag. 8 Q. Understood. 9 Do you remember the names of anyone at 10 Teva who made a comment along the lines of, it's 11 more economical to hire younger people? 12 A. I know I heard it many times, but I need to 13 put a name to it and that's what I need to think 14 about. 15 Q. Have you heard it made by more than one 16 person at Teva? I understand you're not 17 remembering names right now. 18 A. In 10 years at Teva, or almost 10 years at 19 Teva, maybe two or three times. 20 Q. From different people or the same person? 21 A. Different people. 22 Q. Any other comments about age or older people 23 or anything age related that you heard during your 24 time at Teva?</p>

EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN MIDDLEBROOKS,

:

:

Plaintiff

:

:

VS

:

:

TEVA PHARMACEUTICALS USA, INC.

:

and TEVA PHARMACEUTICAL

:No. 17-00412

INDUSTRIES, LTD.,

:

:

Defendants

:

DEPOSITION OF: TROY GAUGLER

TAKEN BY: Defendants

BEGINNING: Thursday, May 24, 2018
5:11 p.m.
51 South Duke Street
Lancaster, PA 17602

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 CAREN N. GURMANKIN, Esquire</p> <p>4 Console Mattiacci Law</p> <p>5 1525 Locust Street</p> <p>6 9th Floor</p> <p>7 Philadelphia, PA 19102</p> <p>8 215-545-7676</p> <p>9 gurmankin@consolelaw.com</p> <p>10</p> <p>11 On behalf of the Defendants:</p> <p>12 LARRY J. RAPPOPORT, Esquire</p> <p>13 Stevens & Lee</p> <p>14 1818 Market Street</p> <p>15 29th Floor</p> <p>16 Philadelphia, PA 19103</p> <p>17 215-496-3839</p> <p>18 ljr@stevenslee.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX TO WITNESS</p> <p>2 THE WITNESS DIRECT CROSS</p> <p>3 Troy Gaugler</p> <p>4 BY MR. RAPPOPORT: 05</p> <p>5 BY MS. GURMANKIN: 130</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 INDEX TO EXHIBITS</p> <p>12 FOR DEFENDANT MARKED</p> <p>13 Ex. No. 56 - an email thread 65</p> <p>14 Ex. No. 57 - 7/8/14 handwritten document 70</p> <p>15 Ex. No. 58 - an email thread 77</p> <p>16 Ex. No. 59 - an email thread 87</p> <p>17 Ex. No. 60 - an email thread 89</p> <p>18 Ex. No. 61 - an email thread 90</p> <p>19 Ex. No. 62 - notes regarding 6/10/15 meeting 98</p> <p>20 Ex. No. 63 - retention bonus agreement 118</p> <p>21 Ex. No. 64 - an email 120</p> <p>22 Ex. No. 65 - an email 124</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 DEPOSITION SUPPORT INDEX</p> <p>2 DIRECTIONS NOT TO ANSWER:</p> <p>3 PAGE/LINE: None</p> <p>4</p> <p>5</p> <p>6</p> <p>7 REQUEST FOR DOCUMENTS OR INFORMATION:</p> <p>8 PAGE/LINE: None</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 STIPULATIONS:</p> <p>14 PAGE/LINE: 5/1</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 QUESTIONS MARKED:</p> <p>20 PAGE/LINE: None</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 STIPULATION</p> <p>2 IT IS HEREBY STIPULATED by and between</p> <p>3 counsel for the respective parties that signing, sealing,</p> <p>4 certification and filing are hereby waived; and that all</p> <p>5 objections except as to the form of the question are</p> <p>6 reserved to the time of trial.</p> <p>7 * * * * *</p> <p>8 TROY GAUGLER, called as a witness, having been duly sworn,</p> <p>9 was examined and testified as follows:</p> <p>10 * * * * *</p> <p>11 DIRECT EXAMINATION</p> <p>12 BY MR. RAPPOPORT:</p> <p>13 Q. Good morning, Mr. Gaugler, my name is Larry</p> <p>14 Rappoport. We have met once before. I'm an attorney that</p> <p>15 represents Teva. There are actually two Tevas in this</p> <p>16 case. There is Teva USA, and then there's Teva</p> <p>17 Pharmaceuticals Industries, which is the Israeli parent of</p> <p>18 Teva USA. I'm representing both Teva entities in the</p> <p>19 context of a lawsuit that was brought by a former co-worker</p> <p>20 of yours, Stephen Middlebrooks, against the two Teva</p> <p>21 entities that was filed in the Eastern District of</p> <p>22 Pennsylvania, which is a federal district court. A</p> <p>23 deposition is a discovery technique that is used to</p> <p>24 discover information that is arguably relevant to a case;</p> <p>25 that is it's either relevant on its face or will likely</p>

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1 A. No.

2 Q. Okay. Did you thank Mini?

3 A. No.

4 Q. Okay. Did you share with any of the other direct

5 reports of Steve that you had received this equity award to

6 see whether they, too, had been so awarded?

7 A. No.

8 Q. Okay. Do you know who Ray Dugan is?

9 A. Yes.

10 Q. Okay. Did Ray Dugan ever talk to you about him

11 not receiving an equity award?

12 A. No.

13 Q. And would you receive an equity award each year

14 you worked there until you were finally let go?

15 A. No.

16 Q. Okay. Were there years you did not receive it?

17 A. To be honest, I think that was the only time I

18 did.

19 Q. Okay. So only once?

20 A. Only once.

21 Q. In the years where you didn't receive an equity

22 award, did you inquire as to why you hadn't received one?

23 A. I had asked during my...

24 Q. Performance review?

25 A. Performance review.

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1 Q. Okay.

2 A. And said that it was -- it was divvied out by

3 Nir.

4 Q. Okay. Now with regard to the performance

5 reviews, were they given to you by Steve Middlebrooks

6 starting in 2014?

7 A. Yeah.

8 Q. Did you receive in exceeds?

9 A. I believe so.

10 Q. Okay. And did you continue to receive exceeds up

11 until the time that you left Teva?

12 A. Mm-hm.

13 Q. Every year?

14 A. Yes.

15 Q. Every year?

16 A. I believe. I'm not -- without looking back, but

17 I was either -- I forget the levels, but exceed or

18 exceptional or whatever it is.

19 Q. Okay. Something more than meets?

20 A. Yes.

21 Q. Do you know whether or not Nir would have had to

22 sign off on these exceeds or exceptional evaluations that

23 you provided?

24 A. The only -- the only thing he would sign off on

25 and he would never read -- he never asked once of my team

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1 for the evaluation itself, he asked for a list of my reports

2 and what I rated them.

3 Q. Okay. But my question to you was, when Steve

4 would give you the annual reviews, do you know whether or

5 not Nir would have had to approve his grade before he gave

6 it to you that is one level up?

7 A. Right. That I don't know for sure.

8 Q. Well, let me ask it this way: When you reviewed

9 people, did Steve have to approve your reviews?

10 A. No.

11 Q. Okay. Now did Nir ask you how old you were?

12 A. Yes.

13 Q. Okay. And just so it's clear, did he ask you how

14 old you were or what your date of birth or birthday was?

15 A. The first -- okay. No. He asked my birth date.

16 Q. Okay. When do you think that would have been?

17 A. Shortly after the first meeting.

18 Q. Okay. The meeting that you described?

19 A. Mm-hm. Yes.

20 Q. Okay. So sometime in the first half of 2014?

21 A. Yes.

22 Q. In person, over the phone, in a videoconference?

23 A. I want to say in person.

24 Q. Okay. And did that surprise you that he was

25 asking you for your birthday?

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1 A. Yes.

2 Q. Okay. Did you tell him what your birthday was?

3 A. At the time, I did because it was a direct

4 question just to me.

5 Q. Okay. And when you told him what your birthday

6 was, did you tell him the year of your birth or just the

7 day of your birthday?

8 A. I believe I told him year.

9 Q. Okay. Did he indicate to you why he needed this

10 information?

11 A. After he did, because the next question was he

12 wanted the same information from my team and their

13 anniversary date.

14 Q. Okay.

15 A. And then it clicked of what he wanted. Then I

16 asked what he wanted it for.

17 Q. And what did he tell you?

18 A. That he wanted to send them cards and

19 congratulation or whatever for your anniversary and birth

20 dates.

21 Q. Okay. Were you suspicious of that?

22 A. I told him I couldn't ask -- I couldn't produce

23 the request for their birthday.

24 Q. Okay. Were you able to produce the request for

25 the anniversary day?

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1 A. Yes.
2 Q. And did you provide that to them?
3 A. Yes.
4 Q. Okay. And did you tell him why you couldn't
5 produce the birthdays?
6 A. Yes.
7 Q. What did you tell him?
8 A. That it's against the law.
9 Q. Okay. And what made it against the law as far as
10 you understood the law?
11 A. That we weren't supposed to ask. We could ask
12 the birth month and day but not the year because we weren't
13 supposed to know the age.
14 Q. Well, had he asked for the year?
15 A. Yes.
16 Q. Okay. But when he asked you, he only asked for
17 the day, you said?
18 A. No, no. He asked for the day. No. I'm pretty
19 -- he asked for my birthday, and I said the whole thing.
20 Q. You gave him more than what he asked for?
21 A. Probably, yes.
22 Q. Okay. But when he asked for your team, did he
23 ask for month and date and year?
24 A. Yes. Because I asked if he wanted -- then I
25 clarified to make sure he wanted the full birthday, and he

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1 said yes. I said, well, I can't do that.
2 Q. Okay. And when you told him you can't do it, did
3 you tell him why?
4 A. Yes.
5 Q. What did you tell him?
6 A. That it was against the law. And if he wanted
7 the information, he would have to request it from HR.
8 Q. Okay. And what was your understanding of what
9 the law based on?
10 A. From just previous work experience that I was not
11 allowed to ask that.
12 Q. Okay. So before you came to work for Teva, some
13 prior employer had told you that you can't ask anyone what
14 their birthday was or their -- or their age?
15 A. Their age, right.
16 Q. And you understood that to be a matter of law,
17 not best practices or anything like that?
18 A. Right.
19 Q. Okay. So when you shared that with Nir, did he
20 get upset with you?
21 A. Yes.
22 Q. What did he do?
23 A. He just -- he more or less took it upon me that I
24 was being dismissive of his request and that -- and I tried
25 to explain I'm not being dismissive, and it's not that I

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1 wouldn't do it for you, but we have to get HR's -- I can ask
2 for month and day, but I cannot ask for the year.
3 Q. Okay. And did he accept that explanation?
4 A. No.
5 Q. Well, how did he manifest his nonacceptance of
6 the explanation?
7 A. Kept pushing it towards Steve and --
8 Q. Was Steve with you at the time?
9 A. No. I don't think at that time, but then he
10 would ask the question to Steve, and then Steve would ask,
11 you know, come back and, you know, he -- Steve would tell
12 Nir the same thing.
13 Q. Okay. So on how many different occasions did he
14 ask you for the birthdays of your direct reports?
15 A. Indirectly, I think only did twice.
16 Q. Both times in 2014?
17 A. Yeah. It was shortly thereafter because he --
18 Q. Okay. So soon after he became your boss's boss?
19 A. Yes.
20 Q. Okay. And on both occasions, you refused him
21 that information?
22 A. Yes.
23 Q. Okay.
24 A. I did provide the other information.
25 Q. That being the anniversary dates and the

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1 birthdays?
2 A. Yes.
3 Q. Okay. Were you ever punished for not giving him
4 the full information?
5 A. I don't want to say I wasn't punished, but that's
6 when the -- you know, I think that's when it started that he
7 didn't trust me.
8 Q. Okay. So now you are saying that the reason he
9 didn't trust you was because you didn't give him --
10 A. No. I think that --
11 Q. That contributed?
12 A. Contributed to the --
13 Q. Okay. What makes you say that?
14 A. Because I think I -- I think he really took
15 offense to me telling him I couldn't do it by just, like,
16 defying an order that I wouldn't do it.
17 Q. Okay. And what makes you think that?
18 A. Because of how they were -- would act right away
19 when I wouldn't it.
20 MR. RAPPOPORT: Okay. I'm going to close
21 the door to get rid of the vacuum. I'm going to go to
22 the bathroom so let's just take a two-minute break.
23
24
25